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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC., a Delaware corporation;

Defendant.

Case No. 3:23-cv-03417-VC-TSH

**UNOPPOSED ADMINISTRATIVE MOTION TO
FILE UNDER SEAL JOINT DISCOVERY
LETTER BRIEF AND EXHIBITS**

1 Pursuant to Civil Local Rule 79-5(c)-(e), Defendant Meta Platforms, Inc. (“Meta”) moves
 2 this Court for an Order allowing Meta to file under seal a confidential, unredacted versions of
 3 documents relating to the Parties’ Joint Discovery Letter regarding Meta’s search terms (“Joint
 4 Letter Brief”). Meta respectfully submits that good cause exists for the filing of these documents
 5 under seal. The motion is based on the following Memorandum of Points and Authorities and the
 6 Declaration of Kyanna Sabanoglu in support of this Unopposed Administrative Motion to File
 7 Under Seal.

8 The following chart lists the document for which Meta requests sealing in order to protect
 9 Meta’s confidential business information.

10 Document	11 Sealing Request
12 Joint Letter Brief	13 • Redacted portions
13 Exhibit A to Joint Letter Brief	14 • Redacted portions
14 Exhibit B to Joint Letter Brief	15 • Redacted portions

15 A [Proposed] Order is filed concurrently herewith, and Meta refers the Court to the Joint Letter
 16 Brief itself and the supporting evidence attached thereto as further support for this Unopposed
 17 Administrative Motion.

18 **I. LEGAL ARGUMENT**

19 Though the presumption of public access to judicial proceedings and records is strong, it
 20 “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (19787). The Ninth Circuit
 21 treats documents “attached to dispositive motions differently from records [i.e., documents]
 22 attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180
 23 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For
 24 non-dispositive motions, such as the Parties’ Joint Letter Brief, the “good cause” standard applies.
OpenTV v. Apple, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015);
Kamakana, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in
 26 discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the
 27 interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-
 28

1 05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff'd*, 845 F. App'x 963
 2 (Fed. Cir. 2021) (finding good cause to seal "confidential business and proprietary information").

3 The redacted portions of the Joint Letter Brief contain Meta's confidential information, for
 4 which Meta requests sealing. The portions of the Joint Letter Brief discuss Meta's highly sensitive,
 5 confidential practices and processes surrounding its Llama models and the datasets used to train
 6 the Llama models. The redacted portions of Exhibits A and B to the Joint Letter Brief include search
 7 terms that reflect Meta's highly sensitive business strategies and partnerships – including names of
 8 third-parties that are subject to non-disclosure agreements – and highly sensitive information
 9 concerning confidential practices and processes surrounding Meta's Llama models and the datasets
 10 used to train them. This information is based on documents and testimony produced and provided
 11 in this litigation and marked "Highly Confidential – Outside Attorneys' Eyes Only." Meta must
 12 request sealing of these materials, as this information is highly sensitive and non-public. Meta
 13 takes steps to carefully protect the confidentiality of information of this sort, as disclosure has the
 14 potential to cause significant competitive injury to Meta. *See, e.g., Space Data Corp. v. Alphabet*
 15 *Inc.*, No. 16-CV-03260-BLF, 2019 WL 285799, at *1 (N.D. Cal. Jan. 22, 2019) (finding
 16 information regarding party's confidential and proprietary technical information, and sensitive
 17 financial information sealable). These sealing requests are critical to protect Meta's confidential
 18 sensitive technical and competitive information.

19 The specific bases for sealing these documents are outlined in the accompanying declaration
 20 of Meta's Associate General Counsel, IP Litigation, Kyanna Sabanoglu. As outlined in Ms.
 21 Sabanoglu's declaration, disclosure of the protected information contained in the materials Meta
 22 seeks to seal would cause competitive harm to Meta if this information is publicly disclosed. Meta's
 23 proposed redactions are narrowly tailored to include only that information which would cause
 24 specific, articulable harm, as identified in Ms. Sabanoglu's declaration. In each instance, the harm
 25 to Meta outweighs the public's interest in disclosure. *See, e.g., In re iPhone App. Litig.*, No. 11-
 26 md-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting motion to seal
 27 where the defendant's interest in "maintaining the confidentiality of information about its
 28 technology and internal business operations" outweighed that of the public in accessing such

1 documents).

2 **II. CONCLUSION**

3 Pursuant to Civil Local Rule 79-5, as appropriate, redacted and unredacted versions of the
 4 above-listed document accompanies this Unopposed Administrative Motion. For the foregoing
 5 reasons, Meta respectfully requests that the Court grant its Administrative Motion to Seal.

6

7 Dated: December 9, 2024

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